

PATENT COOPERATION TREATY

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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WRITTEN OPINION

(PCT Rule 66)

Applicant's or agent's file reference M0656/7063WO		Date of mailing (day/month/year) 27/02/2002
International application No. PCT/US 01/ 07464		REPLY DUE within 1 / 00 months/days from the above date of mailing
International filing date (day/month/year) 08/03/2001	Priority date (day/month/year) 08/03/2000	
International Patent Classification (IPC) or both national classification and IPC C12N15/60		
Applicant MASSACHUSETTS INSTITUTE OF TECHNOLOGY		

1. This written opinion is the first drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

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3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: **08/07/2002**

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I. Basis of the opinion

1. The basis of this written opinion is the application as originally filed.

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

2. The question of whether the claimed invention appears to be novel, to involve an inventive step, or to be industrially applicable has not been and will not be the subject of the international preliminary examination (Article 34 (4) (a) (i) (ii) PCT; see also international search report) in respect of:

- 2.1 Applications having an unnecessary plurality of independent claims (generally not more than 1 independent claim in the same category is necessary; Article 6 PCT);

- 2.2 unsearched subject-matter (Article 17 (2) (a), Rule 66.1 (e) PCT), e.g.

- 2.2.1 claimed subject-matter under Rule 39.1 PCT,

- 2.2.2 applications where the description, the claims, or the drawings fail to comply with the prescribed requirements to such an extent that no meaningful search could have been carried out;

- 2.3 claimed subject-matter under Rule 67.1 PCT.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability

3. To the extent that the international preliminary examination has been carried out (see item III above), the following is pointed out:

In light of the documents cited in the international search report, it is considered that the invention as claimed in at least one of the independent claims does not appear to meet the criteria mentioned in Article 33 (1) PCT, i.e. does not appear to be novel and/or to involve an inventive step.

4. If amendments are filed, the Applicant must comply with the requirements of Rule 66.8 PCT and indicate the basis in the originally filed application of the amendments made (Article 34 (2) (b) PCT) otherwise these amendments will not be taken into consideration for the establishment of international preliminary examination.
The attention of the applicant is drawn to the fact that if the application contains an unjustified plurality of independent claims no examination of any of the claims will be carried out.